

## DIGEST

Adds 170 IAC 7-6 concerning a procedure for notification of customers and the commission when alternative local exchange carriers cease operation. Effective 30 days after filing with the secretary of state.

## 170 IAC 7-6

## SECTION 1. 170 IAC 7-6 IS ADDED TO READ AS FOLLOWS:•

**Rule 6. Disconnection of Alternative Local Exchange Carrier by Incumbent Local Exchange Carrier****170 IAC 7-6-1 Policy and scope****Authority:** IC 8-1-1-3**Affected:** IC 8-1-2-4; IC 8-1-2-88

Sec. 1. (a) This rule is intended to establish a procedure for providing notice to customers when an alternative local exchange carrier is disconnected from an incumbent local exchange carrier.

(b) This rule supersedes any written contractual provisions that may exist pertaining to disconnection of service between local exchange carriers. (*Indiana Utility Regulatory Commission; 170 IAC 7-6-1*)

**170 IAC 7-6-2 Definitions****Authority:** IC 8-1-1-3**Affected:** IC 8-1-2-4; IC 8-1-2-88

Sec. 2. The following definitions apply throughout this rule:

- (1) "Alternative local exchange carrier" or "ALEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange that does not qualify as an incumbent local exchange carrier under subdivision (2).
- (2) "Incumbent local exchange carrier" or "ILEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange and that:

(A) on February 8, 1996, provided telephone exchange service in such area and was deemed to be a member of the exchange carrier association under 47 CFR 69.601(b); or

(B) is a person or entity that on or after February 8, 1996, became a successor or assign of a member described in clause (A).

*(Indiana Utility Regulatory Commission; 170 IAC 7-6-2)*

### **170 IAC 7-6-3 Notice to the commission; notice to customers**

**Authority: IC 8-1-1-3**

**Affected: IC 8-1-2-58; IC 8-1-2-69**

Sec. 3. (a) ~~When an ALEC fails to make payment to an ILEC within twenty (20) days after a bill is due, the ILEC shall, on or after day twenty one (21), but before day thirty (30), send the ALEC a disconnection notice. an ILEC serves a notice of disconnection upon a ALEC, The the ILEC shall serve simultaneous notice of the disconnection upon the commission. The ILEC shall serve notice of disconnection to the ALEC and the Commission via certified mail, return receipt requested.~~

(b) Five (5) business days after the notice from the ILEC is mailed to the ALEC, the ALEC must provide the commission, **in writing**, with ~~either one~~ of the following:

(1) Proof of payment.

(2) The ALEC's customer list, including each customer's name, address, and telephone number. Absent a showing to the contrary, the ALEC's customer list shall be deemed confidential by the commission.

(3) **Reasonable grounds for non-payment to the ILEC.**

(c) If the ALEC fails to provide the commission with proof of payment under subsection (b)(1) **or reasonable grounds for non-payment to the ILEC under subsection (b)(3)**, within ten (10) days after the disconnection notice is sent from the ILEC, the ALEC must mail notice of disconnection to its customers. The ALEC must provide proof of mailing the customer disconnection notice to the commission. The ALEC's notice of disconnection to its customers must include the following:

(1) A statement that the customer must contact the telephone service provider of his or her choice for new service.

(2) The last date of guaranteed service by the ALEC.

~~(3) The name, address, and telephone number of the ILEC.~~

~~(4)~~ (3) **The commission's address and toll-free number of the commission and the utility consumer counselor.**

~~(5)~~ (4) A statement notifying the customer that if the customer fails to choose a new local exchange carrier on or before the date of disconnection from the ALEC, the customer will be without ~~local exchange~~ **telephone** service.

(d) If the ALEC fails to notify its customers or show proof of mailing disconnection notices as required by subsection (c), the commission may initiate an investigation or other procedure in accordance with IC 8-1-2-58, IC 8-1-2-69, or other related statutes.

(e) An ILEC may not disconnect the ALEC until thirty (30) business days after the ILEC sends the disconnection notice to the ALEC.

**(f) This rule shall not prohibit an ALEC from rescinding its disconnection notice to customers after complying with subsection (c) if the ALEC makes payment to the ILEC prior to its disconnection. *(Indiana Utility Regulatory Commission; 170 IAC 7-6-3)***

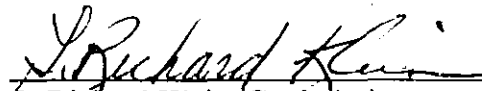
INDIANA UTILITY REGULATORY COMMISSION  
Approval of Adoption of Rule 170 IAC 7-6  
LSA Document #99-21(F)  
IURC RM 99-03

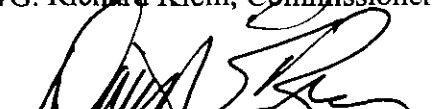
Upon prior publication of notice, and public hearing having been held on May 26, 1999, at 9:30 a.m., EST, as required by the provisions of I.C. 4-22-2-1, *et seq.*, the Indiana Utility Regulatory Commission, on September 15, 1999, at 1:30 p.m., EST in Room E306, Indiana Government Center-South, Indianapolis, Indiana at which time a majority of members of said Commission were present, adopted the foregoing rule.

The Secretary is hereby directed to submit five (5) copies of the aforesaid rules to the Attorney General of Indiana, for his approval of same, and thereafter file one (1) duplicate approved copy with the Secretary of State.

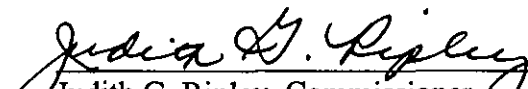
Absent

William D. McCarty, Chairman

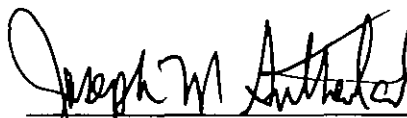
  
G. Richard Klein, Commissioner

  
David E. Ziegner, Commissioner

  
Camie Swanson-Hull, Commissioner

  
Judith G. Ripley, Commissioner

ATTEST:

  
Joseph M. Sutherland, Secretary to the Commission

Date:

SEP 15 1999

Approval of the Adoption of Rule

170 IAC 7-6

LSA Document #99-21(f)

IURC RM 99-03

Approved as to legality,

today: 11/8/99

I.C. 4-22-2-32(g)  
deemed approved

JEFFREY MODESITT  
Attorney General of Indiana

Approved,

today: 11/23/99

Frank O'Bannon

FRANK O'BANNON  
Governor of Indiana

Filed, today: 11/29/99

Sue Anne Gilroy

SUE ANNE GILROY  
Secretary of State 1:57pm  
CH